

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-Seitz/Garber

UNITED STATES OF AMERICA,

v.

CHARLES CLAY, *et al.*,

Defendants.

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CLAY  
U.S. DISTRICT COURT  
S.D. FLA.-MIA  
D.C.

**OMNIBUS ORDER**

THIS CAUSE is before the Court by Order of Reference from United States District Judge Patricia A. Seitz. Pursuant to such reference the Court has received the defendant Clay's (1) Motion *In Limine* to Exclude Evidence Under Federal Rules of Evidence 402 and 404(B), (2) Motion to Sever, etc., (3) Motion to Suppress Evidence on the Grounds of Illegal Search and Seizure, and (4) Motion to Suppress His Post-Arrest Statements, etc.

Upon due consideration of said motions and the Court being advised in the premises, it is hereby

ORDERED as follows:

1. The defendant's Motion *In Limine* is DENIED WITHOUT PREJUDICE as premature. Said motion may be renewed at trial.


2. The Motion to Sever, etc. is DENIED. The defendant has failed to assert that the co-defendant Scarola would testify as a witness for the defendant Clay if called at trial. United States v. Adams, 1 F.3d 1566, 1579 (11<sup>th</sup> cir. 1993). Further, the affidavit

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provided in support of the Motion to Sever is from an investigator for Clay, not from the co-defendant Scariola, and is not persuasive to the undersigned.

3. The defendant Clay's Motions to Suppress are hereby scheduled for hearing before the undersigned on Thursday, November 1<sup>st</sup>, 2001 at 3:00 P.M. in Courtroom VII, United States Courthouse, 300 N.E. 1st Avenue, Miami, Florida 33132.

DONE AND ORDERED in Chambers at Miami, Florida this 19<sup>th</sup> day of October, 2001.

  
BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
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